

STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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MAURICE W. BLANCHETTE
First Selectman

JAMES M. PRICHARD
Deputy First Selectman

LAURIE E. BURSTEIN
A. LEO MILLER, JR.
LORI L. SPIELMAN
RONALD F. STOMBERG
JOHN W. TURNER

BOARD OF SELECTMEN
Monday, September 20, 2010
Town Hall – Meeting Hall

SELECTMEN PRESENT: Laurie Burstein, Maurice Blanchette, A. Leo Miller, James Prichard, Lori Spielman, Ronald Stomberg and John Turner

OTHERS PRESENT: Don Davis, Director of Emergency Management; Resident: Rick Neal; Journal Inquirer Reporter: Brendan Rimetz

I. CALL TO ORDER:

First Selectman Blanchette called the meeting of the Board of Selectmen (BOS) to order at 7:39 p.m.

II. CITIZENS' FORUM: None

III. APPROVAL OF MINUTES:

A. August 16, 2010 Special Town Meeting: Deferred to next BOS meeting.

B. August 16, 2010 Board of Selectmen Meeting:

MOVED (MILLER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE THE BOARD OF SELECTMEN MEETING MINUTES OF AUGUST 16, 2010.

C. September 13, 2010 Special Board of Selectmen Meeting:

MOVED (MILLER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE THE SPECIAL BOARD OF SELECTMEN MEETING MINUTES OF SEPTEMBER 13, 2010.

IV. UNFINISHED BUSINESS: None

V. NEW BUSINESS:

A. Tax Refunds/Abatements:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$8,564.17, AS RECOMMENDED BY THE TAX COLLECTOR AND AS SPECIFIED IN THE REFUNDS/ABATEMENTS STATEMENT DATED SEPTEMBER, 2010. [Attached]

B. Re-establish Ad Hoc Drug Free Graduation Party Committee:

Mrs. Burstein stated that this is a great program.

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO RE-ESTABLISH THE AD HOC DRUG FREE GRADUATION PARTY COMMITTEE FOR ANOTHER YEAR TO SEPTEMBER 30, 2011.

C. Approval to Hire Full Time EMT/Ambulance Driver:

Mr. Miller asked Mr. Blanchette if this position is a replacement position or a new position. Mr. Blanchette noted that this is a replacement position for a full-time driver who resigned from the full-time position, and will continue on part-time. Ms. Courville was a part-time employee and will become full-time. Mr. Stomberg stressed the importance of having a detailed job description for this position as well as a checklist of tasks to be performed routinely. Mr. Turner said that he is of the understanding that there is a job description and that Mr. Hany would be the person who could provide a copy if it is available. Mr. Blanchette asked Mr. Turner, as EVAC liaison, to follow up.

MOVED (TURNER), SECONDED (BURSTEIN) AND PASSED UNANIMOUSLY TO APPROVE THE OFFER OF EMPLOYMENT TO KIMBERLY COURVILLE FOR THE POSITION OF MEDICAL TECHNICIAN/AMBULANCE DRIVER AT A RATE OF \$15.49 PER HOUR FOR A 36-HOUR WORK WEEK. EFFECTIVE DATE IS AUGUST 22, 2010 OR AS ESTABLISHED BY EVAC PRESIDENT.

D. 2011 Emergency Management Performance Grant:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED, that the Town of Ellington Board of Selectmen may enter into with, and deliver to, the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and

FURTHER RESOLVED, that Maurice Blanchette, First Selectman of the Town of Ellington is authorized and directed to execute and deliver any and all documents on behalf of the Town of Ellington Board of Selectmen and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents.

VI. ADMINISTRATIVE REPORTS: So noted.

VII. SELECTMEN COMMITTEE REPORTS:

A. Personnel Committee:

1. Resignations:

MOVED (PRICHARD), SECONDED (BURSTEIN) AND PASSED UNANIMOUSLY TO ACCEPT THE RESIGNATION OF DONALD McCONNELL FROM THE INLAND/WETLANDS AGENCY.

2. Recommended Appointments:

Mr. Prichard noted that there are additional appointments to be made, however, the Personnel Committee did not have complete information at the time of this meeting; therefore, the additional appointments will be addressed at the next Personnel Committee meeting.

MOVED (PRICHARD), SECONDED (BURSTEIN) AND PASSED UNANIMOUSLY TO APPOINT LYMAN HUTCHINSON AS AN ALTERNATE MEMBER TO THE BOARD OF ASSESSMENT APPEALS TO FILL AN UNEXPIRED VACANT TERM TO JANUARY 31, 2011.

MOVED (PRICHARD), SECONDED (BURSTEIN) AND PASSED UNANIMOUSLY TO APPOINT STEVEN BIDWELL, JR. TO THE HOUSING AUTHORITY TO FILL AN UNEXPIRED VACANT TERM TO JUNE 30, 2015.

MOVED (PRICHARD), SECONDED (BURSTEIN) AND PASSED UNANIMOUSLY TO REAPPOINT NANCY LEMEK AS LAND RECORDS INSPECTOR FOR A ONE-YEAR TERM TO SEPTEMBER 30, 2011.

B. Town Policies Committee:

Mr. Prichard discussed the Electronic Messages Record Retention Policy. He stated that the proposed policy mirrors the State Library Policy for Electronic Message Recording Retention, with updates for new types of communication (voice mail, e-mail, etc.).

MOVED (PRICHARD), SECONDED (TURNER) AND PASSED UNANIMOUSLY TO ADOPT THE *ELECTRONIC MESSAGES RECORD RETENTION POLICY*, AS SUBMITTED IN THE DRAFT [Attached] AND AS RECOMMENDED BY THE BOS TOWN POLICIES COMMITTEE. THE ADOPTION OF SAID POLICY SHALL REPLACE THE *USE OF INTERNET & E-MAIL POLICY*, ADOPTED BY THE BOS ON MAY 5, 2003.

VIII. SELECTMEN LIAISON REPORTS:

Conservation Commission's Recreational Planning Subcommittee: Ms. Spielman reported that she and Mrs. Burstein serve on this Committee which also includes representatives from the Parks and Recreation Commission and the Conservation Commission. Ms. Spielman said that Mr. Phillips, Town Planner, conducted the first meeting and the discussion revolved around what is needed in Town for athletic fields and trails. She added that the Parks and Recreation Commission met on September 7th and she is very impressed with the amount of work that has been done to outline the Town's needs for athletic fields. Ms. Spielman noted that the Committee has determined that ten acres of land would satisfy the present need. Detailed discussion was held regarding different properties known to be unoccupied in Town and the need for additional athletic fields for both the school system and the Town recreation programs, as well as trails. Mr. Turner said that he has asked over the past few years for a plan for the addition of recreation areas, and he is encouraged to hear that a plan is being formulated. He said that there hasn't been a proposal or request for Capital Improvements to come forward in recent years from Parks and Recreation to add fields. Mrs. Burstein added that this is part of the reason for the establishment of the subcommittee, to have all members of affected commissions in the same room where they can work on a plan. Mr. Turner asked if the responsibility falls under Public Works to work with the Parks and Recreation Commission to develop a cost estimate. Mr. Blanchette said that perhaps as things progress; however, it makes sense now to give the committee time to narrow down their ideas, identify the highest priorities and bring them back to the BOS, once they have a relatively strong plan.

Mr. Turner suggested that the Athletic Director be included for input. Mr. Blanchette said he is pleased to hear that the newly formed Committee has some ideas and he looks forward to hearing from them when they are ready. Ms. Spielman asked what steps are next in the process. Mr. Blanchette said that it is important to make up a map of all of the land that the Town owns, and to try to outline how trails could be tied in to existing properties and what would be needed to do for the future. Mr. Blanchette reminded the BOS that this process is still in its infancy and he would like to see the committee take initiative and form a plan to be presented to the BOS.

IX. FIRST SELECTMAN'S REPORT:

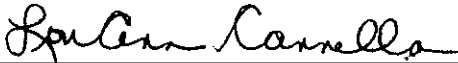

Mr. Blanchette reminded the BOS of the Special Meeting scheduled for Monday, September 27, 2010 at 7:00 p.m. to review the Code of Ethics. He added that the Ethics Commission would like to discuss some ideas with the BOS. Mr. Miller commented that the knowledge and approach to the Code of Ethics is much more sophisticated than he envisioned. He added that the Commission members considered a tremendous amount of factors and facets and he applauds them. Mr. Blanchette said that some of the work was based on the State Code of Ethics; however, the State has not been very complete on some of the issues. Mr. Blanchette noted that the second draft of the Code of Ethics includes feedback from some of the department managers. Mr. Blanchette will meet with Ethics Commission Chairman, Mr. Ron Hall, this Wednesday to discuss meeting format.

X. CORRESPONDENCE: None

Mr. Turner asked Mr. Blanchette a question in regard to a response Mr. Blanchette sent to an email received from a resident regarding a blight ordinance issue. He asked who the Town's zoning enforcement officer is. Mr. Blanchette noted that the Assistant Town Planner is also the Zoning Enforcement Officer. Mr. Turner asked how the zoning regulations are enforced. Mr. Blanchette said that they review plans, carry out inspections and respond to complaints.

XI. ADJOURNMENT:

MOVED (MILLER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 9:04 P.M.

Submitted by  Approved by 
LouAnn Cannella Maurice Blanchette

TAX COLLECTOR'S REFUNDS/ABATEMENTS				V-A	
SEPTEMBER, 2010					
DOLLAR AMOUNT	PERSON/CORPORATION REFUNDS	MV/PERS.PROP REAL ESTATE	TAX/ASSESSOR REQUESTING DEPT.	YEAR	REASON FOR
\$22.41	ALLINSON ALEXANDER J	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$230.61	BEERMAN-AHMED MARIAH L	MOTOR VEHICLE	09 ASSESSOR		VEHICLE TOTALLED
\$33.29	BELL KAREN E	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$141.43	BURNETT DAVID A	MOTOR VEHICLE	09 ASSESSOR		MILITARY EXEMPTION
\$60.80	CAB EAST LLC	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$384.17	CAB EAST LLC	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$220.95	CAB EAST LLC	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$91.25	CAB EAST LLC	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$177.58	CAB EAST LLC	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$22.77	CANNELLA SARAH N	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$1,084.87	CITIMORTGAGE (for Burststein, David)	MOTOR VEHICLE	09 ASSESSOR		VEHICLE REG IN TN
\$62.07	COOLEY RANDY A	REAL ESTATE	09 TAX OFFICE		DUPLICATE PAYMENT
\$111.73	DL PETERSON TRUST	MOTOR VEHICLE	09 ASSESSOR		VEHICLE TOTALLED
\$12.60	DUPREY CRAIG J	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$16.37	EDWARDS HEATHER A	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$16.58	ELDRIDGE JEFFREY A	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$192.59	FINANCIAL SER VEH TRUST	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$2,173.91	FLAGSTAR BANK (for Szymanski, John)	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$237.77	GMAC	REAL ESTATE	09 TAX OFFICE		DUPLICATE PAYMENT
\$87.40	GMAC	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$127.00	GMAC	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$50.88	HAJDUK MICHELENA OR JOSEPH J	MOTOR VEHICLE	08 ASSESSOR		VEHICLE SOLD
\$74.50	HONDA LEASE TRUST	MOTOR VEHICLE	09 ASSESSOR		VEHICLE REG IN NC
\$488.80	HONDA LEASE TRUST	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$16.77	KOEHLER PETER A JR	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$69.57	LAFRENIERE LESTER C OR MERLE A	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$41.34	LATA DEREK	MOTOR VEHICLE	09 ASSESSOR		VEHICLE REG IN FL
\$17.23	MACHNIK EDWARD A OR ELIZABETH Z	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$62.99	MICHAELS DEBORAH OR RICHARD C	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$19.15	POULIOT JOSHUA M	MOTOR VEHICLE	09 ASSESSOR		VEHICLE REG IN FL
\$201.89	SADLOSKI STEPHEN M OR NANCY R	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$31.12	SEPE RONALD J	MOTOR VEHICLE	09 TAX OFFICE		DUPLICATE PAYMENT
\$9.82	SMITH DORCAS C/O SUSAN HOSIG EXECUTRIX	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$158.13	US COMMUNICATIONS LLC	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
\$20.70	VW CREDIT LEASING LTD	MOTOR VEHICLE	09 ASSESSOR		DUPLICATE PAYMENT
\$1,803.13	ZEMANEK RONALD A & BARBARA L	MOTOR VEHICLE	09 ASSESSOR		VEHICLE SOLD
		REAL ESTATE	09 TAX OFFICE		DUPLICATE PAYMENT
\$8,564.17	SEPTEMBER REFUND TOTAL				
	ABATEMENTS				
\$0.00	SEPTEMBER ABATEMENT TOTAL				
\$8,564.17	SEPTEMBER 2010 REFUND AND ABATEMENT TOTAL				
REFSEP10					

DRAFT

TOWN OF ELLINGTON

Policies & Procedures

Electronic Messages Record Retention Policy

Introduction

Computers, internet access, cell phones and electronic mail are effective and important technological resources in today's municipal environment. The Town of Ellington has installed computers, internet access and e-mail system to enhance our business operations. In addition, some employees have been issued Town BlackBerrys® and cell phones.

Electronic messages include emails, facsimiles, instant messages, text messaging, voice mail and web-based messaging services. Electronic messages may be transmitted by a variety of mediums, including computers and mobile computing devices (i.e. laptops, netbooks, PDAs and cellular phones with internet browsing capabilities, such as BlackBerrys® and iPhones®). In addition to the body of the message, electronic messaging systems also contain metadata, such as transactional information (i.e., date and time sent, sender/receiver) and may contain attached files (i.e., PDF or JPEG).

Record Retention & Freedom of Information

Public records retention and Freedom of Information requirements must be satisfied in the use of electronic communications systems. Connecticut General Statutes §1-18a and the Freedom of Information Act (FOIA) defines a **public record** as "recorded data or information relating to the conduct of the public's business prepared, owned, used or received by a public agency, whether such data or information be handwritten, typed, tape-recorded, printed, photo-stated, photographed or *recorded by any method.*" While not specifying electronic messages, this definition has been broadly construed by the Freedom of Information Commission to include such communications.

The Connecticut Uniform Electronic Transaction Act (CUETA) defines an **electronic record** as "a record created, generated, sent, communicated, received or stored by electronic means, including, but not limited to, facsimiles, electronic mail, telexes and Internet messaging" (CGS §1-267).

Based on the above-mentioned statutes, electronic messages sent or received in the conduct of public business are public records. Town Employees should not use private e-mail accounts to conduct public business. These messages are subject to disclosure under FOIA, a court action, or an audit and should be treated in the same manner as any other recorded information.

Electronic messages do not comprise a unique records series. Retention is based on the content of the message, not the media type. Most electronic messages have limited value and can be deleted immediately upon receipt. However, electronic messages that document agency functions and provide evidence of agency business must be retained according to the equivalent records series. Electronic messages are similar to traditional postal mail – the message must be evaluated for action and subsequent retention.

Steps to determine the retention period of electronic messages:

- Step 1:** Determine whether the message is a public record or a non-record.
- Step 2:** If the message is a non-record, destroy at will (i.e., spam and unsolicited advertisements).
- Step 3:** If the message is a record, determine which record series the message belongs:
- If the message is Transitory Correspondence (i.e., transmittal faxes/memos and out of office replies), delete at will, without obtaining approval of the Public Records Administrator.
 - If the message is Routine Correspondence, retain for two (2) years and destroy after receipt of signed Record Disposal Authorization (Form RC-075).
 - If the message is All Other Correspondence (i.e., may have historical value), retain for the equivalent records series. For example, if an email is related to a complaint, retain two years after resolution and destroy after receipt of signed Record Disposal Authorization (Form RC-075).

The following items provide detailed information about characteristics unique to electronic messages and guidelines on how to manage electronic messages:

- **Record Copy:** The record copy is the original or official copy of a record
- **Record Custodian:** The record custodian is responsible for retaining the record copy. In most cases, the sender is the person responsible for retaining the message sent within an organization. If the sender is from outside an organization (i.e., the public), the recipient is the record custodian.
- **Copies/Duplicates:** Many electronic messages are disseminated to groups of personnel, which results in the proliferation of multiple copies of the same communication (a key indicator is the use of 'cc' or 'bc' in e-mail). Because the sender of the message is usually responsible for the record copy, the recipient(s) may destroy their copy at will.
- **Threads:** Similar to conversations, a thread is a string of electronic messages. After a thread is completed, the record custodian may retain only the last message (as long as it includes the prior messages) as the official record copy.
- **Metadata:** Metadata (data about data) is used to ensure authenticity, reliability, and integrity of electronic records. An example of metadata is the transmission information describing an e-mail (date and time the message was sent, sender/recipient). Please note, if electronic messages are printed to hard copy for permanent retention, the associate metadata should be included with the hard copy.
- **Attachments:** If the electronic message is a record and contains attachments, the attachments should be retained as part of the record. In these cases, the retention period should be the retention requirements of the message, or the retention requirements of the attachment, whichever is longer.
- **Deletion vs. Destruction:** In most computer operating systems, the deletion of a record does not physically erase the record. Likewise, simply emptying the trash or recycle folder does not permanently remove the record. In addition, other copies of the message may reside on backup storage tapes after the record should have been destroyed (the media upon which the record resides should be destroyed or overwritten).
- **Backups:** Backup systems or tapes are not acceptable for the retention of electronic messages. Backups should only be used to protect vital records in the event of a disaster or to retrieve a record due to loss of data.

A record may not be destroyed if any litigation, claim, audit, FOIA request, administrative review or other action involving the record is initiated before the record has been disposed of (even if its retention period has expired and approval has been granted). The record must be retained until the completion of the action and the resolution of all issues that arise from the action.

Voice Mail

Pursuant to CGS §1-213, Voice Mail is "all information transmitted by voice for the sole purpose of its electronic receipt, storage and playback by a public agency." Voice Mail may consist of information recorded to voice mail systems, answering machines or other Web based systems (i.e., Google Voice™). Although voice mail messages are recorded in audible formats, they can be recorded and delivered as email attachments or transcribed into text formats.

However, pursuant to CGS §1-213(b), "nothing in the Freedom of Information Act shall be deemed in any manner to: ...(3) REQUIRE ANY PUBLIC AGENCY TO TRANSCRIBE THE CONTENT OF ANY VOICE MAIL MESSAGE AND RETAIN SUCH RECORDS FOR ANY PERIOD OF TIME." As such, voice mail is transitory in nature, and may be deleted at will.

There are times, however, where voice mail may require a longer retention period. This would occur in cases where messages may be potentially used as evidence in trials (i.e., bomb threat or other illegal activity) and pursuant to certain business functions. Voice mail is also subject to the discovery process in litigation.

Note: The **use** of the Town of Ellington internet and the electronic message systems is addressed in the *Personnel Rules & Regulations, Section 10-7. Workplace Privacy, Monitoring and Internet Use*.

BOS Approved:	
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Policy based on General Letter 2009-2 from Connecticut State Library Public Records Administrator dated June 30, 2009, re: Management and Retention of E-mail and other Electronic Messages.